



Consultation, IA <consultation@bia.gov>

(no subject)

2 messages

Pete Gregory <gregoryh@nsula.edu>

Wed, Aug 14, 2013 at 1:57 PM

To: "consultation@bia.gov" <consultation@bia.gov>

Cc: "jamais.vu@gmail.com" <jamais.vu@gmail.com>

This is a response to the new proposed regulations discussed at the Marksville ,La. meeting on August 5, 2013.

I am writing as a friend of the unacknowledged Choctaw-Apache and the Houma communities and as someone who has had a long association with Louisiana tribal communities. I assisted Vine Deloria, Jr. and Ernest C.Downs

with the Tunica-Biloxi petition process and also volunteered my help with the Jena Band of Louisiana Choctaw petition. So I am acquainted with the problems local tribal communities have had and continue to have with the acknowledgment process. These proposed changes are welcome and appreciated. Some I think will be helpful.

I am concerned about the appeals process being weakened in the new regulations. Communities here are often without financial resources and contract research is beyond their means, consequently they have to depend on pro bono assistance for at least some of their efforts. The quality and time there sometimes means that the letters of deficiency are long and, though somewhat helpful in the direction, do not meet all the problems that go into the final evaluation of the applications. A minimum of at least one appeal would seem to avoid long litigation and costs that the communities cannot bear. I hope that will be considered in the new regulations.

I also hope that there will be a way to insure more communication between FOA and the various communities in the acknowledgment process. Electronic communication will certainly help and a "help page" to clarify points and issues seems minimal assistance. The tribal groups certainly continue to need assistance. The proposed new regulations do not clarify the role the FOA plays or will play in such cases.

The community responses will serve to add their concerns I am sure, but as an anthropologist with some experience with the process I felt it necessary to discuss these broader implications of the process.

The one point I would close with here is arbitrary dates. 1900 was chosen in the original regulations and it did fit the special census data that were usually available although it was not always available on the Louisiana communities it seemed helpful, the new data may be less helpful for some. Census data remained at the discretion of local census takers and, in Louisiana at least, subject to the local prejudice and folklore about the communities. As such they should be considered by FOA as a part of "outside identification" of the communities and not given priority over other outside sources in spite of their Federal origin.

These points seem to me, having known the Louisiana tribal communities and worked with both the Acknowledged and Unacknowledged tribes for over a half century now, to always suffer from the nature of a process trying hard to find some absolute points shared by ALL communities across the nation. There must be more flexibility given the FOA so they respect the cultures of the Native Peoples and free their judgment to allow people to be who they really are historically and culturally. It is a tough job and I leave you with my appreciation for the efforts made and thanks for the tribes that have managed to meet the criteria whatever the problems. Please leave the Bureau of Indian Affairs the flexibility and understanding it needs in this very necessary judgment. Thanks for the opportunity to make these comments, I hope they may be helpful.

Sincerely,

Hiram F. Pete Gregory Phd.

Pete Gregory <gregoryh@nsula.edu>

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